IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.282 OF 2006
WITH
CIVIL APPLICATION NO.553 OF 2006
IN
SECOND APPEAL NO.282 OF 2006

Bajirao Anna Chavan & Ors. .. Appellants.
Vs.
Adhikrao Akaram Chavan .. Respondent.

Mr.N.V.Bandiwadekar for the appellants/applicants.
Mr.S.R.Page for the respondent.

CORAM : D.B.BHOSALE, JJ.
DATED : 9TH JULY, 2007.

P.C.:

. Heard learned counsel for the appellants/applicants and respondent.

2. This second appeal challenges concurrent findings recorded by the courts below by which a suit filed by the plaintiff for possession and title has been decreed. Mr.Bandiwadekar, learned counsel for the appellants submitted that the documents, namely, Exhibits-73 and 74 both dated 26.2.1976 have wrongly been treated by both the courts below as money receipts. He submits that a bare perusal of both these documents show that they were agreement of sale and hence counter claim for specific performance ought to have been allowed by the courts below. I

perused both these documents so also the judgments of the courts below and more particularly paragraphs 17, 18 and 19 in the judgment of the appellate court. The Appellate court has considered similar arguments and dealt with the same and has rightly held that essential ingredients constituting agreement of sale are lacking in both these documents. Even counter claim of the appellants has also been dismissed. Keeping all that in view and considering the findings of fact recorded by the courts below and as I find sufficient material on record to sustain those findings and considering that no substantial question of law is either involved or raised in the appeal, this appeal fails and is dismissed as such. Consequently, the civil application is also disposed of.

(D.B.BHOSALE, J.)